

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

MALQUIEL LOPEZ,	)	
	)	
Petitioner,	)	
	)	
vs.	)	No. 06-3071-CV-S-DW
	)	
JOSEPH E. GUNJA, Warden, <sup>1</sup>	)	
United States Medical Center for	)	
Federal Prisoners,	)	
	)	
Respondent.	)	

**REPORT AND RECOMMENDATION OF  
THE UNITED STATES MAGISTRATE JUDGE**

Petitioner, a former inmate at the United States Medical Center, has filed a Petition for Writ of Habeas Corpus, in which he challenges the Bureau of Prisons' decision not to consider him for halfway house placement. A Show Cause Order was entered, and a Response and Traverse were filed. In his Traverse, petitioner acknowledges that he has not exhausted administrative remedies, but asserts there are unusual circumstances to allow those remedies to be bypassed.

Whatever the petitioner's allegations are, he has failed to exhaust administrative remedies. His allegations are not so unusual as to justify the bypassing of those remedies.

For the foregoing reasons, it is, pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri,

RECOMMENDED that petitioner be denied leave to proceed in forma pauperis, and that the

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<sup>1</sup> The current warden is the proper respondent in this case.

petition herein for writ of habeas corpus be dismissed without prejudice.

/s/ James C. England  
**JAMES C. ENGLAND, CHIEF**  
**UNITED STATES MAGISTRATE JUDGE**

Date: January 5, 2007